

**VITAMIN, MINERAL, AND OTHER PRODUCTS OF SPECIAL
DIETARY SIGNIFICANCE**

20848. Adulteration and misbranding of a vitamin preparation. U. S. v. 95 Bottles * * *. (F. D. C. No. 35065. Sample Nos. 70737-L to 70740-L, incl.)

LABEL FILED: May 29, 1953, Southern District of Ohio.

ALLEGED SHIPMENT: On or about June 6, 19, and 26, and July 31, 1951, from Los Angeles, Calif.

PRODUCT: 55 8-ounce bottles, 35 16-ounce bottles, and 5 32-ounce bottles of a vitamin preparation at Cincinnati, Ohio.

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), valuable constituents, vitamin A and vitamin D, had been in whole or in part omitted or abstracted from the article.

Misbranding, Section 403 (a), the label statement "3 teaspoonsful contains: Vitamin A * * * 4000 U. S. P. Units * * * Vitamin D * * * 400 U. S. P. Units" was false and misleading as applied to the article, which contained less than those amounts of vitamin A and vitamin D.

The article was adulterated and misbranded while held for sale after shipment in interstate commerce.

DISPOSITION: August 26, 1953. Default decree of condemnation and destruction.

20849. Adulteration and misbranding of Benelixir. U. S. v. 364 Bottles * * *. (F. D. C. No. 35053. Sample No. 47388-L.)

LABEL FILED: May 19, 1953, Southern District of Texas.

ALLEGED SHIPMENT: On or about December 14, 1951, from Detroit, Mich.

PRODUCT: 364 8-ounce bottles of Benelixir at Houston, Tex. Analysis showed that the product contained 63 percent of the declared amount of vitamin A.

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, vitamin A, had been in whole or in part omitted or abstracted from the article.

Misbranding, Section 403 (a), the label statement "Each 6 cc. * * * Contains: Vitamin A 4500 U. S. P. Units" was false and misleading as applied to the article, which contained less than 4500 U. S. P. units of vitamin A per 6 cc.

The article was adulterated and misbranded while held for sale after shipment in interstate commerce.

DISPOSITION: July 31, 1953. Default decree of condemnation and destruction.

20850. Misbranding of Special Formula capsules (Vital Veeda capsules). U. S. v. 3 Drums, etc. (F. D. C. No. 31595. Sample No. 24461-L.)

LABEL FILED: August 6, 1951, District of New Jersey.

ALLEGED SHIPMENT: On or about May 3, 1951, by the Park Drug Co., from New York, N. Y.

PRODUCT: 3 drums of Special Formula capsules, each drum originally containing 22,000 capsules, and 30 100-capsule bottles of capsules which had been repackaged from the contents of the drums by the consignee and relabeled under the name of Vital Veeda capsules. The product was located at Paterson, N. J., in the possession of the Vital Food Service.

LABEL, IN PART: (Bottle) "Vital Veeda for Organic Iodine and Natural Mineral and Vitamins Contains Sea and Land Sundried Vegetables, Sea Dulse, Kelp, Alfalfa, Watercress and Parsley."

NATURE OF CHARGE: Misbranding, Section 403 (i) (2), the article in the drums was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each such ingredient; and, Section 403 (j), the article in the drums purported to be and was represented as a food for special dietary use by reason of its vitamin and mineral content, and its label failed to bear, as required by regulations, a statement of the proportions of the minimum daily requirements for such vitamins and minerals supplied by the article when consumed in a specified quantity during the period of one day and a statement of the ingredients of food for infants. The article in the drums was misbranded in these respects when introduced into and while in interstate commerce.

Further misbranding, Section 403 (a), the statement on the bottle label of the article "Vital Veeda for Organic Iodine and Natural Mineral and Vitamins," together with the declaration of vitamins and minerals, was false and misleading. This statement represented and suggested that the article in the bottles would provide, when consumed as directed, nutritionally significant quantities of the vitamins and minerals declared (with the exception of iodine), whereas the article would provide, when consumed as directed, only an insignificant amount of such vitamins and minerals (except iodine). The article in the bottles was misbranded in this respect while held for sale after shipment in interstate commerce.

The libel alleged also that a quantity of shark liver oil capsules were misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 4218.

DISPOSITION: Felicia P. Kornreich, trading as Vital Food Service, appeared as claimant and filed an answer on September 28, 1951. On October 18, 1951, the Government filed a motion to strike six separate defenses contained in the answer because some of the alleged defenses were insufficient in law and others were immaterial. The motion was denied by the court on November 26, 1951, with leave to renew the motion at the trial.

On or about March 3, 1952, the claimant filed a motion to dismiss the libel, to vacate the warrant of seizure and monition, and to restore to the claimant the goods seized "on the ground that this court has not acquired jurisdiction over the res." After consideration of the arguments and briefs of counsel, the court, on June 17, 1952, ordered that this motion be dismissed.

On September 21, 1953, the claimant having withdrawn her answer, and without admitting or denying the allegations of the libel, having consented to the entry of a decree, judgment of condemnation was entered. The court ordered that the products be released under bond for relabeling under the supervision of the Department of Health, Education, and Welfare.

INDEX TO NOTICES OF JUDGMENT F. N. J. NOS. 20801 TO 20850

PRODUCTS

	N. J. No.		N. J. No.
Bakery products.....	20801, 20802	Black-eyed peas, canned.....	20825
Beans, lima, dried.....	20824	dried.....	20826
Benelixer.....	20849	Bread.....	20801, 20802

U. S. Department of Health, Education, and Welfare

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

20851-20900

FOODS

The cases reported herewith were instituted in the United States district courts by the United States attorneys, acting upon reports submitted by the Department of Health, Education, and Welfare, and include, where indicated, the results of investigations by the Department, prior to the institution of the proceedings. Published by direction of the Secretary of Health, Education, and Welfare.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., *December 1, 1954.*

CONTENTS

	Page		Page
Candy.....	408	Fruits and vegetables—Continued	
Cereals and cereal products.....	409	Dried fruit.....	418
Bakery products.....	409	Vegetables.....	419
Flour.....	409	Nuts and nut products.....	421
Miscellaneous cereals and cereal products.....	411	Poultry.....	422
Dairy products.....	412	Spices, flavors, and seasoning materials.....	423
Butter.....	412	Vitamin, mineral, and other products of special dietary significance.....	424
Cheese.....	413	Miscellaneous foods.....	428
Feeds and grains.....	414	Index.....	431
Fish and shellfish.....	415		
Fruits and vegetables.....	417		
Canned fruit.....	417		